

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES  
BANKRUPTCY COURT  
FILED - MAIL

2005 MAR 11 AM 10:11

In re:

CASE NO. 04-37868-SVK-7  
(Chapter 7)

C. L. AUSTIN, CLERK  
MILWAUKEE, WISCONSIN

SUSAN L. GILBERTSON

Debtor

**APPLICATION BY TRUSTEE TO EMPLOY WILLIAM A. RINEHART  
AS ATTORNEY FOR THE TRUSTEE**

NOW COMES, Douglas F. Mann, trustee of the above-captioned case, who applies to the Court for authority to employ an attorney, pursuant to 11 U.S.C. §327(a), and who in support states as follows:

1. On December 27, 2004, an order for relief under Chapter 7 of the Bankruptcy Code was entered in this case.
2. The undersigned is the qualified and acting trustee in this case.
3. The trustee desires to employ William A. Rinehart in the professional capacity of attorney for the trustee.
4. The legal services to be rendered and the estimated cost for each such service is as follows:

- a. To recover transfers made by the debtor either pre-petition or post-petition to Attorney Nila Robinson of Appleton, Wisconsin, in the total sum of \$12,500.00

Douglas F. Mann, trustee  
740 N. Plankinton Ave., #210  
Milwaukee, WI 53203  
(414) 276-5355 (telephone)  
(414) 271-1328 (facsimile)

blb

ATTY EMPLOY APP (11/00) Form D2



for legal services connected with apparent representation of Arnold Trucky.

Trustee believes the transfers to be without consideration to the debtor and left the debtor insolvent.

\$7,500.00 was paid on March 12, 2004 within one (1) year of filing a bankruptcy and \$5,000.00 was just prior to or after the filing of bankruptcy and may be a post-petition transfer, or a fraudulent conveyance.

b. Attorney's fees would be one-third (1/3) contingent fee plus expenses.

5. The Trustee has made the following personal efforts to resolve this matter on his own:

Trustee has sent a demand on February 16, 2005 to which there has been no response.

6. The applicant's compensation will be one-third contingent fee to be paid from the transfers only plus expenses.

7. William A. Rinehart is experienced in the matters for which applicant is to be employed and is qualified to represent the trustee.

8. In this case, the trustee has made the following efforts to obtain comparable services at a lower cost: Trustee requested proposals from the following individuals with the following response:

a. William A. Rinehart – one-third (1/3) contingent fee

b. Michael F. Dubis – forty percent (40%) contingent fee

11. For the following reasons, the trustee believes it is in the best interests of the estate to employ the above-named attorney or firm to perform the services set forth at the cost set forth:

a. Appears to be a fraudulent conveyance or post-petition transfer.

b. Demand by the Trustee has produced no results.



12. The trustee has read the attorney's affidavit of disinterest made pursuant to F.R.B.P.

2014 and to the best of the trustee's knowledge believes the affidavit to be true and correct.

13. No fees shall be paid to said attorney or firm except upon proper application to and approval by the Court.

WHEREFORE, the trustee requests an Order authorizing the trustee to employ the above-referenced attorney or firm in accordance with the terms and provisions of this application. The trustee does not intend to file a brief in connection with this application, but reserves the right to file a responsive brief, if necessary.

Dated this 10th day of March, 2005.

  
\_\_\_\_\_  
DOUGLAS F. MANN  
Chapter 7 Trustee

Douglas F. Mann  
Chapter 7 Trustee  
740 N. Plankinton Ave., #210  
Milwaukee, WI 53203  
(414) 276-5355 (telephone)  
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**AFFIDAVIT OF DISINTEREST  
PURSUANT TO BANKRUPTCY RULE 2014(a)**

STATE OF WISCONSIN                    )  
  )     SS.  
COUNTY OF MILWAUKEE                )

NOW COMES William A. Rinehart who makes the following statement under oath:

1. I am an attorney authorized to practice my profession under the laws of the State of Wisconsin.
2. I am an employee or am otherwise associated with the firm of Rinehart, Scaffidi & Mathews located at 4669 North Port Washington Road, 3<sup>rd</sup> Floor, P.O. Box 11975, Milwaukee, Wisconsin 53211-0975.
3. The trustee has asked that I perform the professional services as set forth on the trustee's application for employment on behalf of the estate. I am experienced and qualified in the matters for which I am to be employed as set forth in the Application.
4. Neither I nor the firm with which I am associated:
  - a. are a creditor, an equity security holder or an insider of the debtor;
  - b. are an investment banker for any outstanding security of the debtor;



- c. are or have been, within three years before the date of the filing of the petition in this case, an investment banker for securities of the debtor, or an attorney for an investment banker in connection with securities of the debtor;
  - d. are or have been, within the two years before the date of the filing of the petition in this case, a director, officer, or employee of the debtor or an investment banker specified in subparagraph b or c; and
  - e. have any interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker specified in subparagraph b or c, or for any other reason.
5. To the best of my knowledge, neither I nor the firm with which I am associated hold or represent any interest adverse to the interest of the estate. Neither I nor the firm with which I am associated has any connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, except as described as follows:
- a. William A. Rinehart Douglas F. Mann may represent each other in appointed Receiverships in various State Court cases and has, does, and will represent Trustee in various bankruptcies.
  - b. Neither I nor the firm with which I am associated has shared or agreed to



share and will not share or agree to share, any compensation paid to it with any other person. Neither I nor the firm with which I am associated has received a retainer in this case.

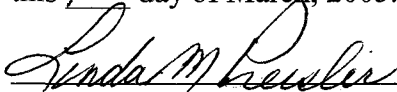
1. The rate charged by myself and the firm is as follows: one-third (1/3) contingent fee. I understand that I must keep detailed records of time and expenses.

Dated this 7<sup>th</sup> day of March, 2005.



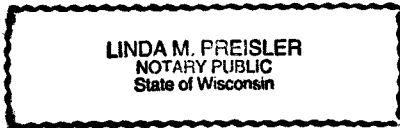
WILLIAM A. RINEHART  
Attorney at Law

Subscribed and sworn to before me  
this 7<sup>th</sup> day of March, 2005..



Notary Public, State of Wisconsin

My commission expires: 7/14/06.



Douglas F. Mann  
Chapter 7 Trustee  
740 N. Plankinton Ave., #210  
Milwaukee, WI 53203  
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Debtor.

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**CERTIFICATE OF SERVICE BY MAIL**

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I, KERI KOEHN, of the law offices of Douglas F. Mann, Attorney at Law, 740 North Plankinton Avenue, Suite 210, Milwaukee, Wisconsin, 53203-2403, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on the 10<sup>th</sup> day of March, 2005, I served a copy of the following:

1. Order Authorizing Trustee to Employ William A. Rinehart as Attorney for the Trustee.
2. Application by Trustee to Employ William A. Rinehart as Attorney for the Trustee.
3. Affidavit of Disinterest Pursuant to Bankruptcy Rule 2014(a).

by first class mail, postpaid and with return address on the following parties:

U. S. Trustee  
U. S. Courthouse  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

Mr. William A. Rinehart  
Attorney at Law  
Rinehart, Scaffidi & Mathews  
P.O. Box 11975  
Milwaukee, Wisconsin 53211

Ms. Joan M. Boyd  
Attorney at Law  
138 South Main Street  
Shawano, Wisconsin 54166

Ms. Susan L. Gilbertson  
N6897 Forrest Haven Road  
Shawano, Wisconsin 54166

EXECUTED ON: March 10, 2005

  
KERI KOEHN